

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

Nathaniel Gibson,

Plaintiff,

v.

Doctor Theodolph Jacobs; Licensed
Practical Nurse Travato,

Defendants.

Case No 0:16-cv-2296-RMG

ORDER AND OPINION

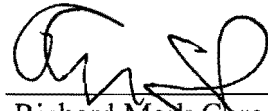
Nathaniel Gibson ("Plaintiff"), proceeding *pro se*, brought this action seeking relief under 42 U.S.C. § 1983. On February 3, 2017, the Defendants filed a motion for summary judgment. (Dkt. No. 31.) Notwithstanding the specific warning and instructions set forth in the Magistrate's *Roseboro* order (Dkt. No. 33), Plaintiff failed to respond to the motion for summary judgment.

This matter is before the Court on the Report and Recommendation ("R. & R.") of the Magistrate Judge to dismiss this action with prejudice for lack of prosecution. (Dkt. No. 39.) The Magistrate mailed the R. & R. to Plaintiff on April 4, 2017, indicating that Plaintiff's objections were due by April 18, 2017. (Dkt. No. 40.) Under Federal Rule of Civil Procedure 6, Plaintiff had an additional three days (until April 21, 2017) to file his objections to the R. & R. because it was served by mail. As of April 21, 2017, no objections to the R. & R. were filed.

While this Court will conduct a *de novo* review of any portion of the R. & R. to which a specific objection is made, it appears Congress did not intend for the district court to review the factual and legal conclusions of the Magistrate absent objection by any party. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985). This Court's review of the record indicates that the R. & R. accurately analyzes the facts of this case and the applicable law. Accordingly, this

Court adopts the Magistrate's R. & R. as the Order of this Court. This action is **dismissed with prejudice** for lack of prosecution. Accordingly, defendants' pending motion for summary judgment is **terminated**. (Dkt. No. 31.)

AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

April 21, 2017
Charleston, South Carolina